IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE,)
ANTHONY WALL, GREEN PARTY OF)
TENNESSEE, KATHLEEN A. CULVER,)
CONSTITUTION PARTY OF TENNESSEE,)
and JOAN CASTLE,)
)   **NO. 3:08-00063**
       Plaintiffs,   )   **JUDGE HAYNES**
v.   )
)
MARK GOINS, Coordinator of Elections for)
the State of Tennessee, and TRE HARGETT,)
Secretary of State for the State of Tennessee,)
)
       Defendants.   )
)

O R D E R

In accordance with the Memorandum filed herewith, Plaintiffs' motion for summary judgment (Docket Entry No. 22) is **GRANTED in part** and **DENIED in part** and the Defendants' motion for summary judgment (Docket Entry No. 21) is **DENIED in part** and **GRANTED in part**.

Plaintiffs are **AWARDED** a declaration that Tenn. Code Ann. § 2-1-104(a)(30) violates Plaintiffs' First Amendment rights to vote, Tennessee voters' First Amendment right to the privacy of their political affiliation and Plaintiffs' First Amendment right to associate as a political party. Plaintiffs' are further **AWARDED** a declaration that Tenn. Code Ann. § 2-1-104(a)(29), coupled with the party membership requirement in Section 2-1-104(a)(30) and the Defendants' 120 day deadline for minor political parties' petition for recognition as a statewide political party for ballot access in state and national elections in Tennessee, violates Plaintiffs'

1

First Amendment rights to vote, Tennessee voters' First Amendment right of choice among political parties and Plaintiffs' First Amendment right to associate as a political party.

It is further **ORDERED** that the Defendants are **ENJOINED** from enforcing Tenn. Code Ann. §§ 2-1-104(a)(29) and (30) as well as the Defendants' 120 days deadline. Given the Plaintiffs' failure to seek preliminary injunctive relief or an expedited ruling, this injunction obtains after the upcoming 2010 elections.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the _____ day of September, 2010.

William J. Haynes, Jr.
United States District Judge

2